

Court of Appeals, State of Michigan

ORDER

Lenawee County Board of Road Commissioners v Briskey Brothers
Constr

Docket No. 285626

LC No. 06-002255-CZ

Christopher M. Murray
Presiding Judge

Michael J. Talbot

Kurtis T. Wilder
Judges

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the May 6, 2008, order of the Lenawee Circuit Court denying the motion for summary disposition filed by State Auto Property & Casualty Insurance Company is REVERSED. Plaintiff's amended complaint added this defendant and a claim for property protection insurance benefits pursuant to MCL 500.3121. However, the amended complaint was filed after the one-year limitations period for the claim had expired. MCL 500.3145(2). Although plaintiff relies on the relation-back doctrine, it does not apply to the addition of new parties. *Employers Mut Cas Co v Petroleum Equip, Inc*, 190 Mich App 57, 63; 475 NW2d 418 (1991); *Miller v Chapman Contracting*, 477 Mich 102; 730 NW2d 462 (2007). This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 02 2008

Date

Sandra Schultz Mengel
Chief Clerk